

Meeting Date: 10/21/2014

Report Type: Consent

Report ID: 2014-00732

Motion 2014-0266

Title: Approval of Americans with Disabilities Act (ADA) Public Right-of-Way Prospective Plan for Fiscal Year 2014/15

Location: Citywide

Recommendation: Pass a Motion approving the Americans with Disabilities Act (ADA) Public Right-of-Way Prospective Plan for Fiscal Year 2014/15.

Contact: Cecilyn Foote, Associate Civil Engineer (916) 808-6843; Nicholas Theocharides, Engineering Services Manager (916) 808-5065, Department of Public Works

Presenter: None

Department: Public Works Department

Division: Engineering Services Admin

Dept ID: 15001111

Attachments:

1-Description/Analysis

2-Background

3-Exhibit A (FY14/15 Prospective Plan)

City Attorney Review

Approved as to Form

Gerald Hicks

10/10/2014 9:09:37 AM

Approvals/Acknowledgements

Department Director or Designee: Jerry Way - 10/2/2014 5:19:16 PM

Description/Analysis

Issue: The Barden Settlement Agreement requires the City to remove or ameliorate obstacles in the pedestrian right-of-way and to submit to Barden Class Counsel an annual Prospective Plan of accessibility improvements.

Policy Considerations: Implementation of the ADA accessibility programs and improvements is consistent with the City's General Plan goals and policies of providing a continuous pedestrian network in existing and new neighborhoods that facilitates convenient pedestrian travel free of major impediments and obstacles and developing safe pedestrian ways that are universally accessible.

Economic Impacts: None.

Environmental Considerations:

California Environmental Quality Act (CEQA): Approval of the FY2014/15 Prospective Plan is not subject to the provisions of the California Environmental Quality Act (CEQA). Under CEQA general rule 15061-B-3, CEQA applies only to projects which have the potential for causing a significant effect on the environment. These actions will have no effect on the environment and are therefore not subject to CEQA.

Prior to final approval, each individual project will be subject to environmental review compliance with CEQA.

Sustainability Considerations: Implementation of the ADA accessibility programs, services and improvements is consistent with the Sustainability Master Plan goal to improve air quality by designing and constructing pedestrian ways that encourage walking and good health through walkable access to available amenities.

Other: None.

Commission/Committee Action: Staff presented and reviewed the FY2014/15 Prospective Plan with the Disability Advisory Commission (DAC) on August 21, 2014. The DAC reviewed the proposed expenditures contained in the Plan and agreed the program areas addressed are important accessibility improvements that will assist in furthering the City of Sacramento's efforts for full inclusion of persons with disabilities. The DAC continues to express appreciation for the Department of Public Works' ongoing efforts to achieve disability access compliance. The DAC accepted the FY2014/15 Prospective Plan (Exhibit A).

Rationale for Recommendation: Approval of the Prospective Plan by the City Council is required under the terms of the Barden Settlement Agreement.

Financial Considerations: The FY2014/15 Prospective Plan for Accessibility Improvements in the Public Right-of-Way is estimated to cost \$1,967,194.

Funding is reserved within the following projects which support the completion of the FY2014/15 Prospective Plan.

FY15 Public Right-Of-Way Accessibility (T15150600),	\$800,000
Mack Road & Valley Hi Drive/La Mancha Way (T15136400)	\$55,440
R Street Improvements – 16 th Street to 18 th Street (T15068302)	\$611,754
FY15 Street/Bikeway Overlays and Seals Program (R15152001)	<u>\$500,000</u>
	\$1,967,194

There are no General Funds planned or allocated for this project.

Local Business Enterprise (LBE): No goods or services are being procured with this action.

Background:

The *Barden, et al., v. City of Sacramento* class action lawsuit was settled effective January 1, 2004. A primary provision of the settlement agreement requires the City to expend an amount equal to twenty percent (20%) of its annual “Transportation Funds” (defined as eligible Measure A and Gas Tax funds) on removing or ameliorating obstacles in pedestrian rights-of-way. The obligation under the Barden settlement agreement lasts 30 years from the above effective date.

Under the terms of the settlement agreement the City agreed to submit to Class Counsel a Prospective Plan each year specifying how the City is proposing to spend the Annual Obligation during the upcoming year. In compliance with the settlement agreement, staff prepared the FY2014/15 Prospective Plan. City Council approval of the FY2014/15 Prospective Plan is needed prior to its submittal to the Class Counsel in October 2014.

The City’s estimated FY2014/15 Annual Obligation is approximately \$4,746,000. The FY2014/15 Prospective Plan (Exhibit A) proposes to spend \$800,000 on several accessibility program areas, \$500,000 on curb ramps constructed in association with the annual overlay project, and \$667,194 on accessibility improvements constructed in association with specific capital improvement projects that are expected to be completed during this fiscal year. In addition, the City proposes to claim a credit of \$2,778,806 toward this year’s Prospective Plan for work completed in prior years which exceeded the previous obligations. A breakdown of the total proposed expenditures and credits to be applied toward the FY2014/15 Annual Obligation is as follows:

Public Works Right-of-Way Accessibility Program		\$800,000
Accessibility Program – Administrative costs	\$250,000	
Curb Ramps – Street Maintenance	\$200,000	
Curb Ramps – Constructed per citizen requests	\$216,000	
Miscellaneous Accessibility Improvements (non-curb ramp) – Constructed per citizen requests	\$25,000	
Curb Ramps – Constructed for drain inlet upgrades	\$30,000	
Transportation Division Accessibility Improvements – Constructed per citizen requests	\$54,000	
3rd Party Accessibility Improvements – Constructed per citizen requests	\$25,000	

Public Works Street Maintenance Division Curb Ramps – Constructed for overlay project	\$500,000
Specific Capital Improvement Projects with Accessibility Features	\$667,194
Credit for Accessibility Improvements from Previous Years	\$2,778,806
TOTAL	\$4,746,000

Staff expects that every year there will be either an overage or a shortage in expenditures carried forward from the prior year. In past years, the City typically exceeded the Annual Obligation and carried an overage forward. The current ADA overage is in excess of \$6 million, which is sufficient to cover the \$2.8 million credit applied towards the City's FY2014/15 annual obligation.

Exhibit A

**FY 2014/15 Prospective Plan
For Accessibility Improvements in the Public Rights-of-Way**

Program Area	Description of Accessibility Work	Estimate
Curb Ramps	Curb Ramps associated with Street Overlays, Sidewalk Repairs and Drain Inlet Upgrades. Estimated 180 curb ramps.	\$980,000
Citizen-requested curb ramps	Curb ramps installed along class members' daily path of travel upon request. Estimated 40 curb ramps.	\$216,000
Non-curb ramp related Citizen Requests	Citizen requests related to crosswalks, truncated domes and audible signals.	\$25,000
Transportation Division Accessibility Improvements	Estimated 10 curb ramps in support of crosswalk installations, accessibility work within pedestrian islands, etc.	\$54,000
3rd Party Agreement Projects	Funds to support projects developed under the Third Party MOU.	\$25,000
Specific Capital Improvement Projects with Accessibility Features (List Attached)	Accessibility features (Curb Ramps, Crosswalks, Pedestrian Signals, Pedestrian Islands, Sidewalks, Bulb Outs, etc.) constructed as part of other projects for overall efficiency of project work.	\$667,194
TOTAL ESTIMATED COSTS		\$1,967,194

Exhibit A

**Specific Capital Improvement Projects with Accessibility Features
FY 2014/15 Prospective Plan**

CIP No.	Project Name	Project Description	Estimated Cost
T15136400	Mack Road & Valley Hi Drive / La Mancha Way Traffic Signal	Construct curb ramps at all corners of the intersection of Mack Road and Valley Hi Drive/La Mancha Way.	\$55,440
T15068302	R Street Improvements – 16 th Street to 18 th Street	Construct sidewalk, curb ramps, curb and gutter and install marked crosswalks.	\$611,754
TOTAL ESTIMATED CIP COSTS			\$667,194